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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : REINER FISCHER, ET AL.
SERIAL NO. : 08/470,563
FILED : JUNE 6, 1995
FOR : N-ARYL-SUBSTITUTED NITROGEN-CONTAINING
HETEROCYCLES, PROCESSES AND NOVEL INTERMEDIATES
FOR THEIR PREPARATIONS, AND THEIR USE AS HERBICIDES
AND PLANT GROWTH REGULATORS
ART UNIT : 1625
EXAMINER : P. Morris

October 22, 2002

Hon. Commissioner of Patents
Washington, D.C. 20231

**PETITION UNDER 37 CFR § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

The above-identified application is apparently held abandoned for failure to respond to the Office letter mailed March 5, 2002. Applicants filed a response to restriction requirement by facsimile transmission on May 6, 2002. Accordingly, the holding of abandonment is in error. Consequently, Applicants respectfully request that the holding of abandonment be withdrawn, and that this application be returned to pending status.

In support of this petition there are submitted copies of:

- 1) the response to restriction requirement dated May 6, 2002; and
- 2) the auto-reply facsimile transmission sheet.

Applicants point out that the auto-reply facsimile transmission sheet is *prima facie* evidence that the response to restriction requirement was timely filed and received in the Patent Office on May 6, 2002. *See, Manual of Patent Examining Procedure § 502.01.*

No fee is believed to be due in connection with the consideration of this petition. However, should the Commissioner determine that any fee is, in fact, due, he is hereby authorized to charge such fee to Deposit Account No. 14-1263.

In view of the foregoing, Applicants respectfully request that the holding of abandonment be rescinded, that this application be returned to pending status.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By

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EXPRESS MAIL CERTIFICATE

I hereby certify that the foregoing petition and the indicated exhibits are being deposited with Express Mail, Next Day Service, in a postage prepaid envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Signature of Depositor:

Date of Deposit:

Jenny Auck
October 22, 2002